

EXHIBIT B

No 257 - 2021

Search Warrant

Investigation No. 2021-414484

SEARCH WARRANTCRIMINAL COURT OF THE CITY OF NEW YORK
COUNTY OF NEW YORKIN THE NAME OF THE PEOPLE OF THE STATE OF NEW YORK
TO ANY INVESTIGATOR IN THE NEW YORK COUNTY DISTRICT ATTORNEY'S
OFFICE

Proof by affidavit having been made this day before me by Investigator Brian Conway, Shield No. 192, of the Investigation Bureau of the New York County District Attorney's Office ("DANY"), that there is probable cause to believe that certain property may be found in the following locations within offices used or formerly used by Kossoff PLLC at the address 217 Broadway, New York, NY 10007:

- 1) The following locations within a suite of offices, numbered Suite 401, located on the fourth floor of 217 Broadway:
 - a. An office used by Mitchell Kossoff, to wit, a corner office on the Broadway side of the building, with windows facing Broadway (photographs of this location, which will aid in identifying it within the suite of office, are attached hereto as **Exhibit A**);
 - b. A filing cabinet located in an office used by Stacie Feldman, to wit, an office on the Broadway side of the building, with three black filing cabinets lined on a wall inside, with the target filing cabinet being the farthest from the entrance to Feldman's office (photographs of this location, which will further aid in identifying it within the fourth-floor suite of offices, are attached hereto as **Exhibit B**); and
 - c. A corridor off a kitchenette where computer servers are located, to wit, a corridor off a kitchenette-area within the suite of offices, with filing cabinets lining the corridor, and computer servers sitting on top of the cabinets (photographs of this location, which will further aid in identifying it within the fourth-floor suite of offices, are attached hereto as **Exhibit C**); and
- 2) An office located on the fifth floor of 217 Broadway, which is or was used by Julia McNally, a current or former employee of Kossoff PLLC, which can be located by following the following directions:
 - a. Begin at the elevator bank on the fifth floor of 217 Broadway;
 - b. On one side of the elevator bank will be a door, and on the other side will be a hallway; walk down that hallway;
 - c. From that hallway, turn right down a long hallway, at the end of which will be a door to a suite of offices;
 - d. Enter the door into the suite of offices and make a "u-turn" to the left;

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- e. Walk to an area with four desks and two offices located to the right-hand side of the desks; Julia McNally's office will be the furthest of the two offices

(collectively, "the Target Premises"); and that there is probable cause to believe that said property has been used or was possessed for the purpose of being used to commit or conceal the commission of the crime of Grand Larceny (Penal Law § 155.30 et seq.) and constitutes evidence, tends to demonstrate that said crime was committed, and that a particular person participated in the commission of said crime;

YOU ARE THEREFORE COMMANDED, between 6:00 a.m. and 9:00 p.m., to enter and to search the Target Premises for the property described below, and if you find such property or any part thereof to bring it before the Court without unnecessary delay:

- a. With respect to the locations of the offices used by Mitchell Kossoff (see supra, ¶ 1.a) and Julia McNally (see supra, ¶ 2):
 - i) All documents, financial records, and other records and information relating to any and all of the following names and/or entities:
 - (1) Aloysius T. Lawn IV, Esq.
 - (2) Robert Yaffa
 - (3) Irwin Ostrega
 - (4) Giorgio Angellini
 - (5) SSM Realty Group II LLC
 - (6) 537 Realty Associates LLC
 - (7) 333 East 46th Apt 2K LLC
 - ii) All documents, financial records, and other records and information relating to any and all bank accounts and other financial accounts held by, titled to, or otherwise possessed or controlled by Kossoff PLLC and/or Mitchell Kossoff, including, but not limited to, any and all escrow accounts held with JPMorgan Chase Bank, Valley National Bank, and Signature Bank, and any communications with banks, limited to the time period of May 27, 2020 to the present;
 - iii) All documents, financial records, and other records, letters, communications, and information relating to any and all funds sent to, held by, disbursed by, or otherwise possessed or controlled by Kossoff PLLC and/or Mitchell Kossoff in connection with any and all clients of Kossoff PLLC and/or Mitchell Kossoff, including, but not limited to, any and all client funds held in escrow by Kossoff PLLC and/or Mitchell Kossoff, limited to the time period of May 27, 2020 to the present;

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- iv) All books and records, including, but not limited to, general ledgers and other financial records and information, relating to Kossoff PLLC, including, but not limited to, paper records and records for accounting systems in digital format (such as, but not limited to, Quickbooks and Quicken), limited to the time period of May 27, 2020 to the present;
 - v) Any and all computers as defined in Penal Law § 156.00(1)¹ or electronic storage devices capable of storing any of the above-described property as well as their components and accessories, including, but not limited to, cords, monitors, keyboards, software, programs, disks, zip drives, flash drives, thumb drives, and/or hard drives, but excluding any and all cellular telephones and similar personal electronic devices; and
 - vi) Any and all books, manuals, guides or other documents containing information about the operation and ownership of a computer or other electronic storage device present in the target location, including, but not limited to, computer and software user manuals.
- b. With respect to the location of the corridor off the kitchenette where computer servers are located (see supra, ¶ 1.c):
- i) Any and all computer servers, including, but not limited to, computer servers on top of filing cabinets lining a corridor off a kitchenette in the fourth-floor suite of offices of Kossoff PLLC, as well as their components and accessories, including, but not limited to, cords, monitors, keyboards, software, programs, disks, zip drives, flash drives, thumb drives, and/or hard drives, but excluding any and all cellular telephones and similar personal electronic devices; and
 - ii) Any and all books, manuals, guides or other documents containing information about the operation and ownership of a computer or other electronic storage device present in the target location, including, but not limited to, computer and software user manuals.
- c. With respect to the location of a filing cabinet in an office used by Stacie Feldman (see supra, ¶ 1.b):
- i) A box containing index cards documenting escrow and/or other funds received for any and all clients of Kossoff PLLC and its attorneys, as well as disbursements of escrow funds, located in the bottom drawer of a filing cabinet in Stacie Feldman's office.

¹ Penal Law § 156.00(1) states: "Computer" means a device or group of devices which, by manipulation of electronic, magnetic, optical or electrochemical impulses, pursuant to a computer program, can automatically perform arithmetic, logical, storage or retrieval operations with or on computer data, and includes any connected or directly related device, equipment or facility which enables such computer to store, retrieve or communicate to or from a person, another computer or another device the results of computer operations, computer programs or computer data.

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This Court authorizes law enforcement personnel to search for the above-described evidence in any location within the Target Premises (specified above) where such evidence may be found, including, but not limited to, any and all secured or unsecured cabinets, drawers, boxes, safes, closed containers, and storage compartments inside the Target Premises capable of holding any of the above-described evidence;

FURTHER, with respect to the seizure and search of computers, electronic storage devices, and other electronic devices and/or equipment capable of storing the above-described property, in addition to searching for the items described above, this Court authorizes the search of these devices for said property and for:

- a. Any and all data, information, or images evidencing internet usage history for the time period from May 27, 2020 to the present;
- b. Any and all non-privileged electronic communications relating to the receipt, disbursement, movement, and other use of escrow funds, including, but not limited to, any authorized or unauthorized disbursements of escrow funds done for legitimate or illegitimate reasons, for the time period of May 27, 2020 to the present;
- c. Any and all data, information, or images which evidence ownership and use of the device, including, but not limited to, calendar entries, email account addresses, stored telephone numbers and names, nicknames, and/or labels assigned to said numbers, photographs, videos, bank account documents, bills and invoices, recorded voice memos, text messages, instant messenger messages and letters and voice mails stored on any seized device;
- d. Any and all data, information, or images evidencing passwords which may be used to unlock or decrypt data, information or images stored on the device, which may or may not be stored in a locked or encrypted fashion, whether said passwords are letters, numbers, characters, words, or data strings (sequence of characters);
- e. Any and all data, information, or images evidencing or revealing the unauthorized use of the device by a person other than an owner or authorized user, through the use of viruses, Trojan horses or other malicious software or infiltration methods;

FURTHER, this Court authorizes law enforcement personnel to videotape, photograph, and measure and draw schematics of the interior of the Target Premises; to analyze, test, and in any way scientifically process the Target Premises and all items seized; and to permit the entry and assistance of individuals who, by their experience and training, are qualified to assist in the execution of this warrant as designated by police or other law enforcement officials, for the purpose of examination, processing and/or removal of any forensic evidence as described above.

FURTHER, with respect to the stored electronic communications, data, information, and images contained in computers, electronic storage devices, and other electronic devices described above and/or their components and accessories, this Court authorizes and orders the following:

- a. This Court grants permission to search and retrieve the above-described stored electronic communications, data, information, and images by accessing, downloading,

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extracting, printing, copying, and otherwise reproducing said communications, data, information, and images, including by converting them or copying them into storage in another form or device. The Court grants the executing officer, or any qualified individual assisting the executing officer, the authority to conduct the accessing, downloading, extracting, printing, copying, reproduction, conversion and or copying of such stored electronic communications, data, information, and images at a forensic laboratory or other controlled environment where such actions can be undertaken by a person qualified to forensically examine such stored electronic data, information, images, and the Court authorizes analysis of such copied or converted communications, data, information, and images at any time thereafter;

b. For purposes of CPL 690.30(1), the Court orders that this warrant be deemed executed at the time law enforcement enters the Target Premises, and that with respect to the seizure of any computers, electronic storage devices, and other electronic devices, or with respect to any stored electronic communications, data, information, and images recovered from such computers, electronic storage devices, and other electronic devices, the search of said computers, electronic storage devices, other electronic devices, stored electronic communications, data, information, and images may continue thereafter for whatever reasonable time is necessary to complete a thorough analysis of the computers, electronic storage devices, other electronic devices, stored electronic communications, data, information, and images pursuant to this warrant; and

c. The Court authorizes a search of all communications, data, information, and images, irrespective of how the communications, data, information, and images are filed, labeled, designated, encrypted, hidden, disguised or otherwise stored.

FURTHER, this Court authorizes DANY, including members of the High Technology Analysis unit, and forensic computer analysts assigned to DANY's Cybercrime and Identity Theft Bureau, and/or other DANY personnel, who, by their training and experience in computer forensic analysis, are qualified to assist in the execution of this warrant, and/or the New York City Police Department's Computer Crimes Squad, to assist, as deemed necessary by law enforcement officials, in accessing, downloading, extracting, retrieving, printing, copying, and otherwise seizing computerized and electronic data from any computers, electronic storage devices, and other electronic devices as described above;

FURTHER, this Court authorizes that, with respect to any computers, electronic storage devices, and other electronic devices as described above, for purposes of the requirement that a search warrant be executed within ten days as mandated by CPL 690.30(1), this warrant authorizes the seizure and removal of any and all devices described above, and the warrant will be deemed executed at the time that said devices are seized and removed from the Target Premises for off-site examination in a laboratory or other controlled environment by a person qualified to forensically examine such equipment, and that the search of said devices may continue thereafter for whatever reasonable time is necessary to complete a thorough search pursuant to the warrant; and

IT IS FURTHER ORDERED that the affidavit and any transcript of any accompanying sworn testimony in support of the application for this warrant is sealed, except that a copy of any such sworn testimony may be obtained by an assistant district attorney in the New York County

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District Attorney's Office and the affidavit and/or any such sworn testimony may be disclosed by an assistant district attorney in the New York County District Attorney's Office in the course of the lawful discharge of his or her duties pursuant to a criminal investigation and/or prosecution, or upon written order of the Court.

This warrant must be executed within 10 days of the date of issuance.

Judge of the Criminal Court

HON. JOSH E. HANSHAFT

Dated: New York, New York

¹⁵
APR 14 2020

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District Attorney's Office and the affidavit and/or any such sworn testimony may be disclosed by an assistant district attorney in the New York County District Attorney's Office in the course of the lawful discharge of his or her duties pursuant to a criminal investigation and/or prosecution, or upon written order of the Court.

This warrant must be executed within 10 days of the date of issuance.

Judge of the Criminal Court

HON. JOSH E. HANSHAFT

Dated: New York, New York

APR 15
14 2021

HTAU

Position/Box: _____/_____

Judge: Josh Hunshaft

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HTAU

Position/Box: _____/_____

Date: April 15, 2021

Floor/Room No.: 4th Floor / 2/3/4

Case No. 21-17193

Other: _____ Shelf: _____ Table: _____ Wall: _____

COURT: Criminal Court Judge: Josh Hunsbatt

DESCRIPTION OF ITEMS

1 IMAC-INTAKE-DC-001 (RM4)

Page ~~2~~ of ~~8~~ pages

Order: Detective/Investigator
SGT M. ABUELO

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Position/Box: _____ / _____

Date: 4-15-21

Floor/Room No.: floor 4 / Rm 4

Case No. 21-17193

Desk: _____ Drawer: _____

Table: _____ Wall: _____

Judge: Hanshaft

⑦

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Position/Box: _____ / _____

Judge: JOSH HANDSHAFT

Position/Box: _____ /

Judge: Hanshaft

Recorder: Detective/Investigator

etective/Investigator SGT M. ADLER #169

Position/Box: _____/_____

Judge: Josh Hanshaw FT

Position/Box: _____/_____

Judge: Josh Hanshaft

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**DISTRICT ATTORNEY
COUNTY OF NEW YORK
ONE HOGAN PLACE
New York, N. Y. 10013
(212) 335-9000**



CYRUS R. VANCE, JR.
DISTRICT ATTORNEY

April 16, 2021

VIA EMAIL

Kossoff PLLC, Custodian of Records

c/o Walter Mack, Esq.

217 Broadway

New York, NY 10007

Email: waltermack65@gmail.com

Re: Investigation of John Doe
Investigation No. 2021-414484

To Whom It May Concern,

Enclosed please find a subpoena duces tecum relating to the above-referenced investigation. **The items sought by the subpoena are needed on or before April 30, 2021.** In lieu of appearing personally with the requested items, you may deliver them to the New York County District Attorney's Office, 80 Centre Street, New York, NY 10013. Please contact me at 212-335-9392 or geer@dany.nyc.gov to make arrangements for delivery.

Your attention to this matter is greatly appreciated.

Sincerely,

A handwritten signature in black ink, appearing to read "Ryan Gee", is written over a horizontal line.

Ryan Gee
Assistant District Attorney

Enc.

SUBPOENA (DUCES TECUM)
FOR A WITNESS TO ATTEND THE
GRAND JURY

In the Name of the People of the State of New York

To: Kossoff PLLC, Custodian of Records
Address: 217 Broadway, New York, NY 10007

YOU ARE COMMANDED to appear before the **FIRST GRAND JURY** of the County of New York, at Part 59 of the New York State Supreme Court, County of New York, at 100 Centre Street in the Borough of Manhattan, of the City of New York, on **April 30, 2021 at 2:00 pm**, as a witness in a criminal proceeding entitled:

Investigation of John Doe

and to bring with you and produce to the grand jury, care of Assistant District Attorney Ryan Gee, the following items:

To the extent within the possession, custody, or control of Kossoff PLLC: Any and all computers that were assigned to Julia McNally, in connection with her work for Kossoff PLLC, during the time period of April 1, 2021 through April 15, 2021.

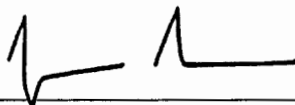
IF YOU FAIL TO ATTEND AND PRODUCE SAID ITEMS, you may be adjudged guilty of a Criminal Contempt of Court, and liable to a fine of one thousand dollars and imprisonment for one year.

YOU ARE REQUESTED not to disclose the existence of this subpoena. Such disclosure may impede the investigation being conducted and interfere with the enforcement of law.

Dated in the County of New York,
April 16, 2021

CYRUS R. VANCE, JR.
District Attorney, New York County

By:



Ryan Gee
Assistant District Attorney
(212) 335-9392

Notice: In lieu of appearing personally with the requested items, you may deliver them to the New York County District Attorney's Office, 80 Centre Street, New York, NY 10013. Please contact Assistant District Attorney Ryan Gee (212-335-9392 or geer@dany.nyc.gov) to make arrangements for delivery.

Investigation No. 2021-414484